



Letter sent  
to Federal  
agencies, tribes + Section 106 parties

EO-764

**SURFACE TRANSPORTATION BOARD**  
**Washington, DC 20423**

*Section of Environmental Analysis*

November 9, 2007

30 day receipt

Mr. Gordon L. Yellowman  
Historic Preservation Officer  
Cheyenne and Arapaho Tribes of Oklahoma  
P.O. Box 145  
Concho, OK 73022

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin; **Request for Comment on the Report, Level I and II Cultural Resources Survey and Site Testing and Evaluation for 317 miles of Railroad Reconstruction From the Minnesota Border to Wall, South Dakota: DM&E's Proposed Powder River Expansion Project, Volumes I and II (July 2001)**

Dear Mr. Yellowman,

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the Revised Draft Report, *Level I and II Cultural Resources Survey and Site Testing and Evaluation for 317 miles of Railroad Reconstruction From the Minnesota Border to Wall, South Dakota: DM&E's Proposed Powder River Expansion Project, Volumes I and II* (July 2001). The initial draft of this report was prepared by Burns & McDonnell as part of the cultural resources studies completed in 1999 to comply with Section 106 of the National Historic Preservation Act (as amended) and the National Environmental Policy Act. The draft report was distributed to the following cooperating agencies, tribes, and tribal organization for review and comment:

Surface Transportation Board  
South Dakota SHPO  
U.S. Army COE, Omaha District  
U.S. Army COE, St. Paul  
U.S. Army COE, Cheyenne District  
Bureau of Land Management  
Bureau of Reclamation  
National Park Service  
U.S. Forest Service  
EPA, Region 5  
EPA, Region 8  
U.S. Coast Guard, Second District

DM&E Railway Corporation  
Rosebud Sioux Tribe  
Lower Brule Sioux Tribe  
Standing Rock Sioux Tribe  
Crow Creek Lakota Tribe  
Cheyenne River Lakota Tribe  
Upper Sioux Indian Community  
Medicine Wheel Coalition  
Gray Eagle Society  
Minnesota Indian Affairs Council  
Cultural Preservation - Language

No written comments were received from any of the above agencies, tribes or tribal organizations following distribution of the draft report. In July 2000, Burns & McDonnell subsequently submitted the draft to the South Dakota State Historic

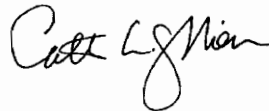
Preservation Office (SHPO) for its review. The SHPO provided written comments to the report on December 22, 2000 in which it concurred with the survey methods reflected in the report; but asked that formal recommendations of eligibility and effect be provided for all resources identified within the project's Area of Potential Effect. The report was subsequently revised to reflect the SHPOs recommendations and resent to the above agencies, tribes, and tribal organization for a second round of review; several comments were received. The report was further revised to address the new comments and resent to the cooperating agencies and tribes on August 27, 2001.

Considering the lapse in time, multiple changes in personnel of the agencies and tribes, and subsequent development and implementation of the Section 106 Programmatic Agreement (PA) developed for this proceeding, the Board is resending the 2001 Revised Draft Report for your review and comment.

**Please send any comments that you may have within 30 days of receipt of this letter directly to David Bibler, Project Manager for The Louis Berger Group Inc. (SEA's third-party contractor).** If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 ([Gliddenc@stb.dot.gov](mailto:Gliddenc@stb.dot.gov)) or David Bibler at 319-373-3043 ([dbibler@louisberger.com](mailto:dbibler@louisberger.com)). Pursuant to the PA, comments not provided within the 30-day review period will indicate your concurrence with the report's content and findings.

Thank you taking the time to review the enclosed report.

Sincerely,



Catherine Glidden  
Section of Environmental Analysis

Cc: Mr. Flying-Man, Chairman  
Enclosure: Burns & McDonnell (Revised Draft Report, July 2001)

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| Mr. Gene Terland, State Director<br>USDI - Bureau of Land Management<br>5001 Southgate Drive<br>Billings, MT 59101                                    | Mr. Robert Bennett, State Director<br>USDI - Bureau of Land Management<br>5353 Yellowstone<br>Cheyenne, WY 82009                     | Col. David C. Press, District Engineer<br>US Army Corps of Engineers, Omaha<br>District<br>215 North 17th Street<br>Omaha, NE 68102-4978 |
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*EFA also sent letter*